

**Arkansas Department of Health  
Cosmetology Technical Advisory Committee**

July 15, 2013

9 a.m.

Freeway Medical Building  
5800 W. 10<sup>th</sup> Street, Ste. 801, Little Rock, AR

**Cosmetology Technical Advisory Members:**

*Present:*

**Kimberly Ford  
Jacqueline Reynolds  
Roger Barnes**

**Sandy Davis  
Andrea Fuentes  
Jeannie Bonds**

**Cosmetology Technical Advisory Members:**

*Absent:*

**Rebecca Arguello**

**ADH – Cosmetology Staff Members:**

*Present:*

**Kelli Kersey, Cosmetology Section Chief  
Rick Hogan, ADH Chief Legal Counsel  
Kerri Glaude, Cosmetology Inspector  
Lavonne Lester Cosmetology Inspector  
Ken Roberts, Inspector Supervisor  
Renee Mallory, ADH Branch Chief, Health  
Systems Licensing and Regulation**

**Teri Preachers, Admin. Specialist  
Amanda Weeks, Admin. Specialist  
Brenda Morgan, Cosmetology Inspector  
Vera Wood, Cosmetology Inspector  
Elizabeth Pitman, ADH Attorney**

**General Public:**

*Present:*

**Carla Jones  
Tina Reagan  
Scottie Burchett  
Jenita Hughes  
Karia Daniel  
Patricia Anderson**

**Linda Lee  
Clifteen Barker  
Chris Strawn  
Dorothy House  
Tracy Akard**

## **Proceedings:**

***Meeting called to order*** at 9:00 a.m.

***Meeting Minutes*** – A motion was made by Sandy Davis and seconded by Roger Barnes to accept the May 20, 2013 meeting minutes. Motion approved.

***Paid Violations*** – A motion was made by Sandy Davis and seconded by Roger Barnes to approve the listing of paid violations. Motion approved.

### ***Program Updates from Kelli Kersey***

- ***CTAC*** – Kelli spoke about the recommendations for CTAC. Recommendations will be presented to the State Board of Health on July 25, 2013. Individual names will be announced once approved by the Board of Health.
- ***Dermaplaning*** – Will seek to get discussions going when new members are seated.
- ***Braiding Committee*** – Still gathering information for this committee.
- ***Translation*** – The Rules & Regulations and Arkansas Law have been translated into Vietnamese and Spanish. They are available on the ADH [website](#). Work is being done on translating the instructions to forms and the Candidate Information Bulletin for examinations.
- ***Post-Secondary*** – Renee Mallory, Elizabeth Pittman, Kelli Kersey and Rick Hogan met with Brenda Germann. Brenda is contacting the Federal Department of Education for information needed prior to revising Cosmetology Rules.
- ***Hour Conversation*** – Nursing to Cosmetology/Esthetics - A sub-committee will study.
- ***CLIPS*** - The Department of Information Systems programmer working on the inspection piece of CLIPS has resigned which will cause a further delay of implementation. The new date is September 1, 2013.
- ***Inspector Position*** – Interviews are complete and Ken is waiting on the hire packet to be approved. ***Scanner*** – The new scanner was installed at the examination site and should be available for use at the next examination. The scanner will allow the proctor to scan in the grade sheets, on site so that the candidate can receive the test results quicker.

### ***Hearings*** –

Hearings began at 9:08 am. The transcript of the hearings are not part of the minutes but will be made available for review at the next regular meeting of the Advisory Committee or at the Office of Cosmetology in the Arkansas Department of Health.

***Linda Lee*** – Proposal to change the examination; Early Testing & Dress Code

- ***Early Testing for Written examination*** –Ms. Lee stated students are fearful of the written examination. Texas has started doing early testing and suggested we should look into the advantages. Students can test while in school, which would help the school and the student. Ms. Lee also voiced the thought that early testing will prevent students from working out of their homes. Chris Strawn voiced her agreement to allow students to early test. Early testing would require a change in the Cosmetology Law.
- ***Dress Code*** –Ms. Lee stated that her students come back from examination and talk about the discrepancy in the uniform policy. Instead of a three piece uniform she recommends to let those testing wear scrubs. Ms. Lee feels it cost too much for the students to purchase a lab coat or smock and that it would be cheaper to purchase scrubs.  
Kelli asked for ideas from the public and CTAC members on what the dress code should be. Much discussion followed. Trish Anderson recommended changing to clean, washable clothing with closed-toe shoes. Kiara Daniel recommends uniforms. Chris Strawn agreed with Linda Lee that the dress code should not be so restrictive but require the clothing to be black and white. Chris Strawn and Kiara Daniel agreed to research and bring back information regarding dress codes in other States.

***Public Comment –***

- Trish Anderson stated the cosmetology hours in Tennessee have been reduced from 1500 to 750 hours. The schools and public want that law repealed before it goes into effect. She stated she was very thankful for our CTAC committee and all they have done for us.
- Trish Anderson added that schools in Tennessee are doing online testing. A new company (ACS) is working with post-secondary schools, Milady and Pivot Point to do online testing with the students so that students are more prepared for the examination.

***Old Business –***

- Old business was part of Program Updates by Kelli.

***New Business –***

- No new business

Kim stated that this was the last meeting for this CTAC. She has appreciated and enjoyed working with everyone.

A motion was made and seconded to adjourn until the September 16, 2013 meeting.

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ARKANSAS DEPARTMENT OF HEALTH  
COSMETOLOGY SECTION  
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 15<sup>th</sup> day  
of July 2013, the meeting of the Arkansas Department of  
Health, Cosmetology Section, Cosmetology Technical  
Advisory Committee was held, at 9:00 a.m., at the  
Arkansas Department of Health, Freeway Medical Building,  
Suite 801, Little Rock, Pulaski County, Arkansas.

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TECHNICAL ADVISORY COMMITTEE:

KIMBERLY FORD, Chair  
ROGER BARNES  
SANDY DAVIS  
REBECCA ARGUELLO (not present)  
JACQUELYN REYNOLDS  
JEANNIE BONDS (not present)  
ANDREA FUENTES

REPORTED BY:

SUSAN B. WHITSON, CCR  
Arkansas Supreme Court Certificate No. 158  
9810 Woodland Drive  
Mabelvale, Arkansas 72103  
(501) 455-1170  
WhitsonCCR@aol.com

CTAC, JULY 15, 2013

1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 RICK HOGAN, ESQ.

4 HEARING OFFICER:

5 KENDRA AKIN-JONES, ESQ.

6 Office of the Attorney General  
323 Center Street, Suite 200  
7 Little Rock, Arkansas 72201

8 Staff Members Present:

9 KELLI KERSEY - Section Chief

KEN ROBERTS

10 RENEE MALLORY

TERI PREACHERS - Administrative Specialist

11

12 Inspectors Present:

13 ROSE HORNER

LAVONNE LESTER

14 BRENDA MORGAN

VERA WOOD

15

16 Court Reporter:

17 Susan B. Whitson, CCR

Arkansas Supreme Court Certificate No. 158

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CTAC, JULY 15, 2013

1	I N D E X	
2	AGENDA ITEM	PAGE
3	Caption	1
4	Appearances	2
5	Paid violations	5
6	Administrative hearing	6
7	Arkansas Department of Health v. Searcy Beauty College	
8	Opening by Mr. Hogan	9
9	Opening by Ms. Barker	10
10	WITNESSES:	
11	KENNETH ROBERTS	
12	Direct by Mr. Hogan	11
13	Exam by Ms. Barker	28
14	Exam by the Committee	30
15	Re-exam by Mr. Hogan	31
16	CLIFTEEN BARKER	
17	Direct by Mr. Hogan	33
18	Exam by the Committee	40
19	Re-exam by Mr. Hogan	54
20	TINA REAGAN	
21	Direct by Mr. Hogan	59
22	Cross by Ms. Barker	66
23	Exam by the Committee	66
24	EXHIBITS	
25	Board's Compilation 1: Records of the	

## CTAC, JULY 15, 2013

1	Board.....	9
2	Closing by Ms. Barker	69
3	Motion by the Committee	70
4	Administrative Hearing	74
5	Arkansas Department of Health v. Jessica Bucks	
6	Motion	75
7	Reporter's certificate	77
8	---	
9		
10		
11		
12		
13		
14		
15		
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CTAC, JULY 15, 2013

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P R O C E E D I N G S

MS. FORD: Second on the agenda is approval of paid violations. Call for a motion.

They should be in your packet.

MS. DAVIS: I'll make a motion we approve the minutes.

MR. BARNES: Second.

MS. FORD: The motion has been seconded. At this time we will call for a vote on approving the paid violations. All in favor?

COMMITTEE MEMBERS: Aye.

MS. FORD: All opposed?

The paid violations will stand.

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CTAC, JULY 15, 2013

ADMINISTRATIVE HEARING

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

SEARCY BEAUTY COLLEGE

RESPONDENT

HEARING OFFICER JONES: Okay. Very well.

My name is Kendra Akin Jones and I'm the  
Hearing Officer today in the matter of the  
Arkansas Department of Health versus Searcy  
Beauty College to be heard before the  
Cosmetology Technical Advisory Committee.  
Today is July 15, 2013, we're located in Suite  
801 of the Freeway Medical Building.

If the respondent would, please identify  
yourself for the record.

MS. BARKER: Clifteen Barker.

HEARING OFFICER JONES: Okay. Ms. Barker,  
you're the owner of Searcy Beauty College?

MS. BARKER: Yes.

HEARING OFFICER JONES: And do you have  
counsel here with you today?

CTAC, JULY 15, 2013

1 MS. BARKER: No, I don't.

2 HEARING OFFICER JONES: And you received a  
3 copy of the Order and Notice of Hearing for  
4 today's matter?

5 MS. BARKER: Yes.

6 HEARING OFFICER JONES: And you're ready  
7 to proceed?

8 MS. BARKER: Yes.

9 HEARING OFFICER JONES: Okay. Very well.  
10 Counsel, please notify yourself for the  
11 record.

12 MR. HOGAN: I'm Rick Hogan, General  
13 Counsel for the Arkansas Department of Health.

14 HEARING OFFICER JONES: Okay. For the  
15 benefit of those who may not have appeared  
16 before in an administrative hearing, the board  
17 will make the decision solely on the evidence  
18 that is presented here today. This hearing is  
19 being held under the Administrative Procedures  
20 Act, so the strict rules of evidence do not  
21 apply. The board members know of this case  
22 only as it appears and is set for in the Order  
23 and Notice of Hearing. Anything that you have  
24 in your possession you want them to consider  
25 must be presented as evidence here today.

CTAC, JULY 15, 2013

1           This is open to the public under the  
2           Freedom of Information Act, and that does  
3           include the board's recess for deliberations.

4           Okay, for those of you who are going to be  
5           witnesses in today's matter, if you would  
6           please raise your right hand, Ms. Barker,  
7           that's you as well. The other right.

8           (WHEREUPON, the witnesses were sworn by  
9           the Hearing Officer.)

10          HEARING OFFICER JONES: Okay. Very well.

11          Okay. Mr. Hogan, preliminary matters.

12          MR. HOGAN: Madam Hearing Officer, we have  
13          a 77-page document that's numbered that would  
14          be considered the administrative file in this  
15          matter, and we would ask that that be admitted  
16          as Board's Exhibit No. 1. There should be a  
17          copy for the witnesses at the witness desk, and  
18          for all of the board members.

19          HEARING OFFICER JONES: Okay. And,  
20          Ms. Barker, do you have a copy of that packet  
21          of information?

22          MS. BARKER: Yes, I do.

23          HEARING OFFICER JONES: Okay. And do you  
24          have any objection to any of it being  
25          introduced?

CTAC, JULY 15, 2013

1 MS. BARKER: No, I don't.

2 HEARING OFFICER JONES: Okay. Very well.  
3 That will be introduced as the Board's  
4 Compilation Exhibit 1.

5 (WHEREUPON, Board Compilation Exhibit No.  
6 1 was received in evidence.)

7 HEARING OFFICER JONES: Anything else, Mr.  
8 Hogan?

9 MR. HOGAN: Just that the board be able to  
10 take notice of their administrative rules and  
11 regulations for cosmetology and related  
12 occupations under the §17-26-101 and following.

13 HEARING OFFICER JONES: Very well, so  
14 noted.

15 Ms. Barker, do you have anything in your  
16 possession that you want the board to consider  
17 today?

18 MS. BARKER: No, I don't.

19 HEARING OFFICER JONES: Okay. Mr. Hogan,  
20 opening statement?

21 MR. HOGAN: I have no opening statement,  
22 but I haven't had a chance to talk to  
23 Ms. Barker. I'm the attorney for the  
24 Department of Health, I haven't had the  
25 opportunity to talk to you before today's

CTAC, JULY 15, 2013

1           hearing. And maybe to shorten it, I just  
2           wanted to ask you, do you have any -- are you  
3           here to contest the matters that are in the  
4           Notice of Hearing or are you here to agree to  
5           the facts that are alleged?

6                     What -- just briefly, what's your  
7           position?

8                     MS. BARKER: Well, there's a lot of  
9           discrepancies here, there's a lot of things  
10          that are not true.

11                    MR. HOGAN: Okay. I'll call Ken Roberts.

12                    HEARING OFFICER JONES: Well, let me get  
13          first --

14                    MR. HOGAN: Oh, sorry.

15                    HEARING OFFICER JONES: Ms. Barker, is  
16          there anything you would like to tell the board  
17          in on opening statement? I'm going to give you  
18          plenty of opportunity to tell your side and  
19          call your witnesses and you get to ask them  
20          questions, but if there is anything you want to  
21          state in an opening, then I'll let you do that  
22          now.

23                    MS. BARKER: Well, I don't really know  
24          what to say that except that we've had someone  
25          in the school that has been a very malicious

CTAC, JULY 15, 2013

1 person. That's all I have to say.

2 HEARING OFFICER JONES: Okay. Okay.

3 Mr. Hogan, call your first witness.

4 MR. HOGAN: I would call Mr. Kenneth  
5 Roberts.

6 WHEREUPON,

7 KENNETH ROBERTS,

8 having been called for examination, and having been first  
9 duly sworn by the Hearing Officer, was examined and  
10 testified, as follows:

11 DIRECT EXAMINATION

12 BY MR. HOGAN:

13 Q Ken, state your name and your position with the  
14 department, please.

15 A Kenneth Roberts, inspector supervisor.

16 Q Ken, how did you become aware of the Searcy Beauty  
17 College? Did you receive any complaints about the  
18 allegations that the son of Ms. Barker was receiving  
19 hours or being marketed as attending classes without in  
20 fact having attended classes?

21 A I received an email on May 25<sup>th</sup>, which a copy is  
22 in your packet.

23 Q It's on Page --

24 A It's actually the second -- it's actually not that  
25 first --

CTAC, JULY 15, 2013

1 Q So Page 6 of the Notice of Hearing?

2 A Yeah, you've got -- do you have that numbered one?  
3 I don't think I got a copy -- do you have a copy of that  
4 numbered one? It's the one with pages numbers?

5 I don't think I ended up with one.

6 Thank you. This will be easier to refer to.

7 So, Rick, you said Page 6?

8 Q Yes, sir.

9 A Yes. Yes. Page 6 was the first email that I  
10 received.

11 Q And that was purportedly from Tina Reagan, huh?

12 A Purportedly from Tina Reagan.

13 Q Did you subsequently find that Ms. Reagan did not  
14 send that email?

15 A She has since denied that she sent that email, yes.

16 Q And did you -- before you found that out, did you  
17 also receive another email complaining about having t  
18 mark the student, I believe his name is Craig T. -- is it  
19 Osborne?

20 A Osborne.

21 Q Do you see -- did you see the subsequent complaint,  
22 complaint on May the 30<sup>th</sup>?

23 A I did on Page 7.

24 Q And that was from who?

25 A The name is Chasity Coleman.



CTAC, JULY 15, 2013

1 Q Can you summarize what the allegations were in  
2 Ms. Coleman's complaint?

3 A She stated that the owner's son, Craig Osborne, was  
4 clocking hours at the school toward his cosmetology  
5 license, and not attending classes, theory or practical  
6 classes.

7 Q In her complaint, I believe it's underlined there,  
8 did she also mention that she has marked him as absent  
9 and that she had checked the roll books the day after,  
10 someone had used white out to cover up the A for absence?

11 A Yes, she did.

12 Q Did you go to the school and make arrangements to  
13 speak to the instructors?

14 A I did.

15 Q How many instructors did you talk to?

16 A We spoke with four instructors, I believe, if I got  
17 that right. I have it here. Plus Ms. Barker.

18 Q What did --

19 A The names are listed on -- I'm not sure if you have  
20 them in this other packet.

21 Q No, it's not part the file. But --

22 A Okay, okay.

23 Q -- I believe you talked to Chasity Coleman, Shirley  
24 Jones, Sharon Beauregard and Tina Reagan, correct?

25 A Yes, sir, that's correct.

CTAC, JULY 15, 2013

1 Q And also the school owner?

2 A Ms. Barker, yes.

3 Q What did the instructors tell you at that time about  
4 falsifying records?

5 A We interviewed each one of them individually, Kelli  
6 and myself and another inspector, and they all stated  
7 that they were asked to falsify records stating that  
8 Craig was attending class.

9 Q Did they say who asked them to do that?

10 A They did not.

11 Q Now, when you say falsifying records, can you go  
12 into that a little bit further?

13 Were they also made -- instructed regarding not just  
14 attendance records but as far as exams go?

15 A Some of them stated they were asked to take exams  
16 for Craig Osborne.

17 Q On Page 9 of the document, Ken, can you tell the  
18 members of the board what this is?

19 A This is a -- this is our clip system where the  
20 schools enter the student's hours and days, number of  
21 days attended, and if you will look down where the black  
22 mark is, it states that Craig Osborne has attended a  
23 total of 659 hours.

24 Q Now, is this for the month of -- going back to  
25 Page 8, it looks like this is the attendance days from

CTAC, JULY 15, 2013

1 May 1 through May 31st of this year, correct?

2 A Right. That would be a cumulative total.

3 Q And it states that he attended -- he had accumulated  
4 659.25 hours as of that ending date, correct?

5 A That's correct.

6 Q Now, what does the 99.75 mean to the left of that  
7 cumulative total?

8 A That would be the -- that would be the number of  
9 hours for the previous month.

10 Q So for the month of May, he got almost 100 hours.  
11 Correct?

12 A That's correct.

13 Q And the 23 next to that, what does that indicate?

14 A The 23 is number of days attended for that previous  
15 month.

16 Q Now, just to make sure that we are correct here, on  
17 Page 11 and 12, can you describe what -- what this  
18 document is that we have in front of us?

19 A Eleven and 12 is a student permit record, whenever  
20 the student enrolls in school to apply for their student  
21 permit.

22 Q On Page 12, it's identified at the top as a  
23 registration contract for Searcy Beauty College. Do you  
24 see the bracketed part midway through that page about  
25 enrollment times being defined?

CTAC, JULY 15, 2013

1 A Yes.

2 Q Can you read that?

3 A "Enrollment time is defined as the time elapsed  
4 between the actual starting date and the date of the  
5 student's last day of physical attendance in the school."

6 Q So, at least according to the contract, there was an  
7 expectation of physical attendance at -- at the school  
8 itself. Correct?

9 A Correct.

10 Q On Page 13, can you identify what that document is?

11 A That is the student permit, I believe.

12 Q Okay.

13 A Yeah.

14 I'm not sure which one, that one may be the one that  
15 comes to the office. That's not really my department,  
16 but...

17 Q Now, if you -- if you would, Ken, turn to Page 25 of  
18 the -- of the record. Are you there?

19 A I am.

20 Q This is called a progress report. It indicates, as  
21 I understand it, that he had, as of the date of this  
22 report, which was sent 6/2, he had accumulated a total of  
23 667.25 hours. Is that correct?

24 A That's correct.

25 Q Under the written exam average and subject category

CTAC, JULY 15, 2013

1 just below, it has several chapters listed, and there are  
2 not until Chapter 16 do we have a test result, result of  
3 94. Correct?

4 A That's correct.

5 Q What is --

6 A Occasionally when students start school, though,  
7 they don't start at Chapter 1, necessarily.

8 Q Okay. So that's not indicative of -- of his failure  
9 to take an exam or to take a -- take a test when he was  
10 supposed to?

11 A Not necessarily.

12 Q Look at 20 -- Page 28 and tell me if that's  
13 indicative of his failure to attend courses?

14 A This is satisfactory -- satisfactory academic  
15 progress report, and it looks like on February 22<sup>nd</sup> he  
16 was not maintaining satisfactory academic progress, and  
17 then the notes, it says, "Talked to student, said he  
18 would take some tests in the next week or so."

19 Q Now, back to Page 26, then what -- this is an  
20 attendance history report. Can you describe what these  
21 numbers reflect? To the left there appears to be a  
22 column that's not bracketed, that says, "Scheduled actual  
23 absent and make up." Can you just kind of describe what  
24 this is?

25 A Yeah, some schools actually give this out, it's a

CTAC, JULY 15, 2013

1 calendar of their hours that are attended each day. And  
2 schedule is what they are scheduled in their contract,  
3 and then actual is what they actually attended on those  
4 days.

5 Q And so, according to this document that was filed,  
6 or that was generated as a result of what they described  
7 as Mr. Osborne currently attending, his last attendance  
8 day was 6/1/2013, that, in May at least, they have listed  
9 him as his -- I think he was -- he was absent. Can you  
10 describe how -- how many hours was he absent there, 66.50  
11 hours for that month? Is that correct?

12 A Yes.

13 Q And he had made up almost 40 of those hours, 39.5?

14 A Yes.

15 Q And his actual -- according to these records, his  
16 actual hours that he was credited for was 659.25. That's  
17 through the end of May, correct?

18 A That's correct.

19 Q And then he was given additional credit for hours  
20 that he attended in June. Is that correct?

21 A That's correct.

22 Q On Page 31 and following, Ken, identify this front  
23 and back, what are those documents there?

24 A These are called time cards. They actually clock in  
25 and out on a time clock.

CTAC, JULY 15, 2013

1 Q And is this the responsibility of the student, to  
2 clock in and out for their attendance at -- at the  
3 school?

4 A It's the responsibility of the student to clock in  
5 and out, yes. The student -- or the school must verify  
6 that those hours are correct.

7 Q Did you verify that CTO meant Craig T. Osborne?

8 A Yes. We were told by an instructor there that was  
9 Craig's time card.

10 Q So then he was listed, as I understand it, when you  
11 look at the records, and this is only for May, he was  
12 listed as being in attendance -- you have to actually  
13 compare these pages side by side, I believe. But he was  
14 listed as having attended every day, is that correct? In  
15 looking at Page 34, down about the very -- near the end?

16 A Well, if you look at Line 14, I believe that's the  
17 one that corresponds, on Page 35.

18 Q Thirty-five. Okay. So he was --

19 A It looks like there was a few absences.

20 Q -- he was absent the last three days of that? He  
21 was absent -- he was absent --

22 A Of May.

23 Q -- the 29th, the 30th and the 31<sup>st</sup>, according to  
24 this?

25 A Correct.

CTAC, JULY 15, 2013

1 Q Is that correct?

2 A Yes.

3 Q And it's -- this shows him as having attended from  
4 the first of the month, I guess the check mark -- mark  
5 means he's there and the A means he's absent? And --

6 A That's generally, yes.

7 Q -- so the records are showing that he attended class  
8 throughout May, is that correct?

9 A Yes.

10 Q And the records also show that he -- hours were  
11 submitted for verification for over 600 hours of  
12 attendance at the school, correct?

13 A That's correct.

14 Q Is that the responsibility of the school, to ensure  
15 that those records are correct and the student is  
16 properly credited with the hours?

17 A Yes.

18 Q If the student had dropped or moved on to another  
19 school, would they have been able to take those hours  
20 with them for purposes of transferring to another school?

21 A They are transferable, and with a few exceptions.

22 Q Now, I want to ask you about -- I hate to jump over  
23 a little bit, but on Page 68, these are exams that were  
24 purportedly taken by Mr. Osborne, correct?

25 A Yes.



CTAC, JULY 15, 2013

1 Q Now, you said that the instructors told you that  
2 they were told to take the tests for Mr. Osborne,  
3 correct?

4 A In some cases, yes.

5 Q Now, can you describe, were there any discrepancies  
6 or differences that you found in these exams when you  
7 kind of compared them one to the other?

8 A Well, I'm not a handwriting expert by any means, but  
9 I've taken a few trainings on observation of things like  
10 this, and usually when people write all capital letters,  
11 they -- on a test, they write all capital letters every  
12 time, so we see some lower case letters on some of these  
13 tests, some upper case letters. And also the signature,  
14 which you can compare to his original student permit,  
15 that supposedly he signed, do not match the signatures on  
16 these tests. I'm not --

17 Q So that -- oh, go ahead, I'm sorry.

18 A I'm not a handwriting expert, but that's just my  
19 observation.

20 Q Okay. Based on your observations, at least in this  
21 document, it appeared that Mr. Osborne, or somebody  
22 different may have taken some of these tests, is that  
23 correct?

24 A Yes.

25 Q Now, the -- on Page 75 and 77, there is a couple of

CTAC, JULY 15, 2013

1 documents I wanted to ask you about. Page 75, is -- is  
2 this a -- I notice that's signed by both Ms. Barker and  
3 by Mr. Osborne. Was this a drop document or what -- what  
4 was this document here?

5 A Yes. It's called a certificate of training  
6 graduation and drop.

7 Q So he was dropping from the class --

8 A (Nodding head up and down.)

9 Q -- or from the course?

10 A Correct.

11 Q And on this document, it appears to be signed by  
12 Ms. Barker on June the 5<sup>th</sup> of this year, and she's  
13 attesting that he is -- he is entitled to or he is --  
14 should have credit for 667.25 hours. Correct?

15 A That's correct.

16 Q It also states that he is entitled to 69 hours of  
17 theory, correct?

18 A That's correct.

19 Q Is that 69 hours for the month of May or 69 hours --

20 A That would be total.

21 Q Total?

22 A Right. I -- I may not be correct on that.

23 Q Okay.

24 A But -- it's been a long time since I've actually had  
25 to verify one of these.

CTAC, JULY 15, 2013

- 1 Q All right.
- 2 A But I believe that's total.
- 3 Q So if you get one hour of theory a day, that's --
- 4 except -- I mean, that's what's expected, right, one hour
- 5 of theory?
- 6 A I believe our laws state five hours per week, so
- 7 that's about --
- 8 Q Okay. Per week, so it could be one hour a day or it
- 9 could be five, I guess, on one day?
- 10 A That's true.
- 11 Q But that's what -- that's what you're supposed to
- 12 have, is one hour a day, correct?
- 13 A Correct.
- 14 Q So you would -- you would be able to then get no
- 15 more than five hours a week or roughly 20 hours a month?
- 16 A That's correct.
- 17 Q Now, for the month of May, do you know how many
- 18 hours of theory that were submitted on these documents,
- 19 just for the month of May?
- 20 A I don't believe I see that, unless someone can -- it
- 21 says -- on Line 7 it states drop six hours 40 days five,
- 22 but I think that's clock hours.
- 23 Q Just a follow up on that, Ken, what --
- 24 A Sure.
- 25 Q There are usually three basic types of credit hours

CTAC, JULY 15, 2013

1 you can get, right? One for your theory hours?

2 A Right.

3 Q One for practical, that may be actually working on a  
4 live person, and another for working on a mannequin or  
5 something like that that's considered kind of practical?

6 A That's correct.

7 Q Is that correct?

8 A Those are three ways you can get hours. Yes.

9 Q And, according to these documents, at least, the  
10 school attested to the fact that Mr. Osborne should  
11 receive credit for over 600 hours, yet the instructors  
12 were informing you that he was not in class and they were  
13 taking his exam. Correct? His exams?

14 A That -- that's correct.

15 Q Did you talk to Ms. Barker directly about your  
16 findings as a result of your investigation? And, if so,  
17 what did she tell you about the hours of credit? Did she  
18 ask you any questions about whether or not a -- you had  
19 to have a license in order to own a school and so forth?

20 A She did at the end of the conversation. We -- I did  
21 fill her in on what our findings were that day, and that  
22 we had met with her instructors, and confronted her with  
23 the same -- responding to the complaint that I had. And  
24 she stated that when Craig started in December, that he  
25 had every intention of attending cosmetology school, just

CTAC, JULY 15, 2013

1 like a regular student, but that she had fallen ill and  
2 needed him to work in the office -- in her office instead  
3 of going to class.

4 Q And so she told you that she was teaching him, what,  
5 at home at night?

6 A She said -- yes, she was teaching him cosmetology at  
7 home.

8 Q And so --

9 A And --

10 Q -- all of this 667 hours that he was given credit  
11 for, based on her testimony, was for instruction which  
12 she gave him at -- at the house?

13 A That's the way I understood it.

14 Q Now --

15 A She did also ask if he had to -- if -- if he had to  
16 have a cosmetology license to own a school or to run the  
17 school, and we stated, no, that he did not.

18 Q And what was her response when you told her this?

19 A She said, then you can just have the 667 hours back,  
20 just drop them.

21 Q And even -- was it before or after that conversation  
22 that she filed a document on Page 75, stating that her  
23 son was entitled to the 670.25 hours?

24 A She dropped Craig Osborne the day before we did our  
25 investigation.

CTAC, JULY 15, 2013

1 Q So then she's saying, basically, that this document  
2 on Page 75 is inaccurate, that it should be retracted  
3 based on the fact that her son doesn't have to be a  
4 licensed cosmetologist in order to own the school?

5 A She said, you can just take the hours back, was her  
6 statement.

7 Q So tell me about -- just briefly, I know that we've  
8 got several rules about teaching a student about public  
9 health or health issues, about cleanliness and making  
10 sure instruments are clean, that kind of -- do you have  
11 the -- even the size of the rooms of instruction and so  
12 forth that you're supposed to have?

13 A Correct.

14 Q Is that, in your opinion, difficult to recreate in  
15 someone's home? For example, what are some of the  
16 shortfalls of being able to give a student adequate  
17 instruction that they may have paid for at someone --  
18 someone's private residence?

19 A Well, we're not -- we're not -- we don't inspect  
20 people's homes so we have no idea about their sanitation  
21 or their equipment that they have in their homes. So I  
22 wouldn't be able to recommend that because we don't  
23 inspect private homes, so -- and that's part of it.

24 Q And what would you --

25 A I mean, the equipment, the -- we don't even know

CTAC, JULY 15, 2013

1 what the instruction that's going on, we have no  
2 observation of that.

3 Q So things that you would look at, and I know some of  
4 the board members are school owners or work for schools,  
5 but they -- what would you look for at a school from a  
6 health standpoint and from an instruction standpoint to  
7 make sure that the different instructors are properly  
8 teaching the student how to conduct themselves and be  
9 able to perform the art of cosmetology?

10 A Well, we look at licensing, obviously, and then also  
11 health and sanitation.

12 Q And it's important, isn't it, to be able to teach a  
13 young cosmetologist in training how to do things right?

14 A (Nodding head up and down.)

15 Q From a health standpoint?

16 A Yes.

17 Q From a professional standpoint?

18 A (Nodding head up and down.)

19 Q From an ethical standpoint?

20 A Correct.

21 Q And did you, after talking to all of the instructors  
22 and to Ms. Barker, come away with the conclusion that she  
23 was, in fact, doing things right and following the rules  
24 with regard to her son at this school?

25 A I do not believe she was following the rules.

CTAC, JULY 15, 2013

1 MR. HOGAN: I'll pass the witness.

2 HEARING OFFICER JONES: Very well.

3 Ms. Barker, do you have any questions for  
4 Mr. Roberts?

5 CROSS-EXAMINATION

6 BY MS. BARKER:

7 Q When I asked that question about if a person had to  
8 own a school, had to have an instructor license to own a  
9 school, that had nothing to do with my son.

10 HEARING OFFICER JONES: But do you have --  
11 do you have a question for Mr. Roberts right  
12 now?

13 MS. BARKER: Mr. -- Mr. Roberts?

14 HEARING OFFICER JONES: Yes.

15 MS. BARKER: I was just trying to clear up  
16 what was said that was misunderstood.

17 HEARING OFFICER JONES: Okay. Do you have  
18 any questions for him?

19 BY MS. BARKER:

20 Q Like what I just said, I was asking that, because my  
21 partner at the Searcy Beauty College has no license and  
22 we have been negotiating back and forth about one of us  
23 taking the school, or one of us buying the school, so  
24 that's why I asked that question, it had nothing to do  
25 with Craig. But also --



CTAC, JULY 15, 2013

1 HEARING OFFICER JONES: Okay.

2 BY MS. BARKER:

3 Q -- talking about --

4 HEARING OFFICER JONES: Okay. Ms. Barker,  
5 I'm going to give you plenty of opportunity to  
6 have your side, to tell the board everything  
7 you want them to hear, but right now it's an  
8 opportunity for you to ask Mr. Roberts any  
9 questions of him.

10 MS. BARKER: Well, I've written several  
11 down -- several things down here that I need to  
12 discuss with him but --

13 HEARING OFFICER JONES: If you can phrase  
14 them as a question, go right ahead.

15 BY MS. BARKER:

16 Q Well, there was some misunderstanding because I  
17 didn't say I said at home, and also at the school, and he  
18 surely remembers that I said at the school, after work.

19 A Can I respond?

20 HEARING OFFICER JONES: Yes, you can  
21 respond.

22 THE WITNESS: Okay. It was after work, at  
23 home and at school.

24 BY MS. BARKER:

25 Q Uh-huh. And then there is another question I wanted

CTAC, JULY 15, 2013

1 to ask him. And I also said that he had attended  
2 classes, but I had become very ill and I --

3 HEARING OFFICER JONES: Okay. Ms. Barker,  
4 I'm going to give you plenty of --

5 MS. BARKER: Okay. I'm sorry. Excuse me.

6 HEARING OFFICER JONES: That's okay. This  
7 is time of questions --

8 MS. BARKER: Excuse me.

9 HEARING OFFICER JONES: -- for  
10 Mr. Roberts.

11 MS. BARKER: Okay. That will be fine.

12 HEARING OFFICER JONES: Okay. Like I  
13 said, you'll have plenty of chance to tell the  
14 board absolutely everything.

15 MS. BARKER: Okay.

16 HEARING OFFICER JONES: Okay. Board  
17 members, do you have questions for Mr. Roberts?

18 MS. FORD: I do.

19 Mr. Roberts, in one of the statements it  
20 said that was in a roll book itself, that the  
21 attendance had been whited out. Were you able  
22 to check the roll book for yourself and see if  
23 that was actually a fact?

24 THE WITNESS: We had one instructor that  
25 we spoke with that said that she had been asked

CTAC, JULY 15, 2013

1 to change the roll book.

2 MS. FORD: Uh-huh.

3 THE WITNESS: Had been asked to white  
4 out -- white it out and -- and make it as  
5 though he were there.

6 MS. FORD: When you went to the school to  
7 do the inspection, did you or either of the  
8 inspectors that were with you, physically check  
9 the book -- the book to see if the day that was  
10 in question was actually whited out and  
11 changed?

12 THE WITNESS: Well, we can look, we have  
13 copies. Yes, we did. The answer to that is,  
14 yes, we did look at the roll book, and we saw  
15 one day that was obviously had been whited out.

16 MS. FORD: Thank you.

17 HEARING OFFICER JONES: Further questions  
18 from the board members for Mr. Roberts?

19 Okay. There are none. Thank you very  
20 much, Mr. Roberts.

21 Mr. Hogan, call your next.

22 MR. HOGAN: I did have one thing just to  
23 follow up with Mr. Roberts.

24 HEARING OFFICER JONES: Okay.

25 REDIRECT EXAMINATION

CTAC, JULY 15, 2013

1 BY MR. HOGAN:

2 Q Mr. Roberts, or Ken, did the instructors inform you  
3 that Ms. Barker told them that she was instructing her  
4 son after hours at home and at the school when you talked  
5 to them?

6 A One instructor -- one instructor for sure did, and  
7 that was Chasity Coleman.

8 Q And did the instructors feel -- well, did they tell  
9 you they were okay with the way that Mr. Osborne was  
10 getting instruction at school and at home by his mother?

11 A No. They did not agree with it. And they said that  
12 several students had commented also.

13 Q Do you know roughly how many students there are at  
14 the school at any given time there in Searcy?

15 A I -- maybe a hundred.

16 Q Okay.

17 A That's just -- I mean, I'm sure I have it somewhere  
18 on an inspection sheet, we record that when we do an  
19 inspection.

20 MR. HOGAN: Okay. That's all I have.

21 HEARING OFFICER JONES: Okay. Thank you,  
22 Mr. Roberts.

23 Call your next.

24 MR. HOGAN: Call Ms. Barker.

25 WHEREUPON,

CTAC, JULY 15, 2013

1 CLIFTEEN BARKER,  
2 having been called for examination, and having been first  
3 duly sworn by the Hearing Officer Jones, was examined and  
4 testified, as follows:

5 DIRECT EXAMINATION

6 BY MR. HOGAN:

7 Q Ms. Barker, state your name for the record and  
8 what's your position.

9 A Clifteen Barker.

10 Q And you are the owner or part owner of the --

11 A Yes.

12 Q -- Searcy Beauty College?

13 A Yes, sir.

14 Q How long have you owned the college?

15 A Twenty-one years. I've been in the business 40.

16 Q Forty years?

17 A Yes, sir.

18 Q And, Ms. Barker, there have been testimony here from  
19 instructors, and I know -- or at least through  
20 Mr. Roberts about instructors saying that they were  
21 concerned about the practices of the school with regard  
22 to your son, and that they were told to mark him as being  
23 in attendance and that they were also told to take exams  
24 for him. What -- what do you say to that?

25 A I swear on my life that I never told one instructor,

CTAC, JULY 15, 2013

1 no one, to ever do anything like that, and I swear.

2 Q So if they were doing that, it was contrary --

3 A They did it on their own because I did not ever do  
4 anything like that. I didn't tell anyone to take a test,  
5 tell anyone to mark him on the book. In fact, on a  
6 Thursday, I went into work because I haven't been to work  
7 in the last year, I have had to miss so much, I --  
8 Chasity Coleman come to my office and she said that she  
9 was not going to put Craig on her theory book. I says,  
10 "You're not supposed to." I said, "He's not supposed to  
11 be on the book," because I said, "he's not in theory, he  
12 is not going to school." That was a complete surprise to  
13 me, I did not know he was on the book, because I thought  
14 that he had been -- was out of there because he had to  
15 take over for me in the office because I couldn't be at  
16 school.

17 Q So is it your testimony today that he should not  
18 have been given credit for 600 hours?

19 A That -- that's my testimony.

20 Q He should not have been given credit for --

21 A He should not have. I would never do anything  
22 against this profession, because I have thought so much  
23 of it.

24 Q On Page 75, though, Ms. Barker, you filed -- that is  
25 your signature at the bottom of that document?

CTAC, JULY 15, 2013

1 A That is not my signature.

2 Q So you did not file or know anything about this --

3 A No, I did not.

4 Q You did not?

5 A That is not my drop sheet, that is not my signature.

6 Q Do you have any idea who would have filed something

7 like --

8 A I have no idea. And about the erasing on the -- on

9 the -- on the book, I had nothing to do with it, don't

10 know nothing about that until today.

11 Q So you're testifying that your son should not

12 receive credit for any hours?

13 A Exactly, he should not have, because he was having

14 to work in the office because I was too ill to work.

15 Q So you don't have any exams that you may have given

16 him or --

17 A (Shaking head from side to side.)

18 Q I guess what I'm asking is --

19 A And these signatures --

20 Q Well, hold on --

21 A I've tried to --

22 Q -- hold on just a second, let me finish.

23 What I understand is that you told Mr. Roberts, and

24 also that you told Ms. Kersey, that you were instructing

25 your son at home and after hours?

CTAC, JULY 15, 2013

1 A And at school.

2 Q And so either you were doing that and he should be  
3 entitled to credit for your son's instruction or you  
4 weren't doing that and that's just all made up. I guess  
5 I'm asking you which one is true?

6 A That I was giving him instructions. I was for a few  
7 months, I wasn't all the time because I wasn't even  
8 there, I hadn't been at work. I've been home seriously  
9 ill.

10 Q So --

11 A Taking chemo.

12 Q But is it your position that he should get credit  
13 for those -- was it your intent that he should get credit  
14 for the hours that you --

15 A No, sir. The ones that he's got, yes, I think so.  
16 But the ones that he did not, and he did not --

17 Q So did you --

18 A Because I did not even know this. I did not know  
19 this, because I was not at school. And that's my fault  
20 that I didn't know this because I wasn't there.

21 Q Did you record any attendance records, did you keep  
22 up with any documentation about the instruction that you  
23 gave your son at home?

24 A No, sir. I just went through his, the partings and  
25 all the different things.



CTAC, JULY 15, 2013

1 Q You were giving --

2 A And this was while he was in class, this was while  
3 he was going -- in class.

4 Q But you saw the document that was filed back in  
5 February saying that he had failed to take exams,  
6 correct?

7 Let me point to that.

8 A Let me see.

9 Q There was an academic progress document, if I can  
10 find it.

11 MS. KERSEY: Twenty-eight.

12 MR. HOGAN: What page?

13 MS. KERSEY: Twenty-eight.

14 BY MR. HOGAN:

15 Q Twenty-eight.

16 Page 28, Linda Donnell and -- I can't -- what's that  
17 last name?

18 A Moje.

19 Q Calvin or Colin?

20 MS. REAGAN: Colita.

21 MR. HOGAN: Colita Moore?

22 MS. REAGAN: Moje.

23 THE WITNESS: Moje.

24 MR. HOGAN: Moje?

25 MS. BARKER: That's the other owner.

CTAC, JULY 15, 2013

1 BY MR. HOGAN:

2 Q They submitted some documentation saying that your  
3 son had failed to take that test or --

4 A It was a written test, it looks like to me.

5 Q Now, does Ms. Donnell and Ms. Moje still work for  
6 you?

7 A Ms. Donnell had -- became very ill also, and she  
8 is -- had come back two months -- about a month ago,  
9 didn't she? But she had gotten very, very ill also, so  
10 that's one -- I think she was out too, so that is not her  
11 handwriting, and that's not Colita Moje's handwriting.

12 Q Did they -- are you -- is Ms. Moje still working for  
13 you?

14 A Yes.

15 Q Okay. So none of these people were fired or  
16 dismissed as a result of this document?

17 A Of the what?

18 Q Over the -- as a result of this document, there were  
19 no employees that were fired or dismissed?

20 A No. Because Linda Donnell was put on -- took off  
21 for sick leave because she was very ill, but she has been  
22 back in the last month, last two weeks.

23 MS. REAGAN: Something like that, uh-huh.

24 THE WITNESS: And she is back out ill  
25 again starting today, she was supposed to go to

CTAC, JULY 15, 2013

1           the doctor today. She's been in the emergency  
2           room, but she was back out, but, no, she wasn't  
3           fired.

4 BY MR. HOGAN:

5 Q       Some of the statements from the instructors may have  
6 indicated that some people were terminated --

7 A       No.

8 Q       -- there were employees that were disciplined  
9 because of their --

10 A       No, sir.

11 Q       -- actions regarding your son?

12 A       No, sir. She was laid off because she was very ill.

13 Q       Were there any employees that were terminated or  
14 disciplined during this period of time between February  
15 and the end of May?

16 A       Chasity was. Chasity was, but it was not because of  
17 state board, it was because she could not get along with  
18 another instructor in the building. And I didn't hire  
19 her in the first place.

20 Q       Who was the other instructor that she couldn't get  
21 along with?

22 A       She didn't get along with --

23 Q       Are you saying that she couldn't get along with any  
24 of the others?

25 A       Any of them.

CTAC, JULY 15, 2013

1 Q I see.

2 MR. HOGAN: I'll pass the witness.

3 HEARING OFFICER JONES: Very well.

4 Ms. Barker, you can either tell your side of  
5 the story now and I'll let the board ask you  
6 questions, or you can wait and I'll let you  
7 after Mr. Hogan is finished calling his  
8 witnesses.

9 MS. BARKER: I guess I've said all I was  
10 going to say. I've told you just exactly.

11 HEARING OFFICER JONES: Okay. Board  
12 members, at this time do you have any questions  
13 for Ms. Barker?

14 MS. DAVIS: Yes. Ms. Barker, were you  
15 ever informed by anyone at state board that it  
16 was okay for you to home school your son in  
17 cosmetology?

18 THE WITNESS: Well, I know that -- well, I  
19 hate to even say anything like that, but I do  
20 know that that Dan Seaton, that owned the  
21 Searcy Beauty College before us was home  
22 schooled, that owned Searcy Beauty College that  
23 we bought, because I was up there as an  
24 instructor. So I thought any kind of schooling  
25 you could get, I mean, if you -- the more you

CTAC, JULY 15, 2013

1 got the better you would be.

2 MS. DAVIS: Okay.

3 THE WITNESS: And, you know, we used to go  
4 out into salons and let them get their work in  
5 the salons and different places, you know.

6 MS. DAVIS: I forgot what I was going to  
7 ask you.

8 THE WITNESS: Years ago, you know, they  
9 would go in and do their practical in salons.

10 MS. DAVIS: Uh-huh. That's a little bit  
11 different than at your house, though.

12 THE WITNESS: Yeah, but I have a place  
13 like a shop and all built in my house, like a  
14 shampoo bowl and everything is right there.

15 MS. DAVIS: Have you ever read the rules  
16 and regulations?

17 THE WITNESS: I read them all the time.

18 MS. DAVIS: Okay. That's all I have.

19 HEARING OFFICER JONES: Further questions?  
20 Go right ahead.

21 MS. FUENTES: Do you have a scheduled  
22 lunch break that your students take throughout  
23 the day?

24 THE WITNESS: No, except for the class,  
25 the 200 -- 250 --

CTAC, JULY 15, 2013

1 MS. FUENTES: So they don't eat lunch  
2 within an eight hour day?

3 THE WITNESS: Do what?

4 MS. FUENTES: There is no lunch taken in  
5 that eight hour day?

6 THE WITNESS: Oh, yes, ma'am, they go.  
7 They go at 11:30 in the classroom --

8 MS. FUENTES: Oh, okay.

9 THE WITNESS: -- but then the students on  
10 the clinic floor go at different times.

11 MS. FUENTES: Okay. Are they required to  
12 clock out when they take that lunch break?

13 THE WITNESS: Yes -- yes, ma'am.

14 MS. FUENTES: Okay. But we didn't see any  
15 of that on their schedules.

16 THE WITNESS: And clock back in.

17 MS. FUENTES: And is there a scheduled  
18 break or do they take breaks whenever they like  
19 to or is it only --

20 THE WITNESS: They have a scheduled break.

21 MS. FUENTES: And they are required to  
22 clock in and out for that as well?

23 THE WITNESS: Yes, they are.

24 MS. FUENTES: My only other question, who  
25 actually physically takes their time card and

CTAC, JULY 15, 2013

1 puts it into your computer system, who provides  
2 that information to clips and into your FAME  
3 system? Who is responsible for that?

4 THE WITNESS: Well, Tina -- office staff  
5 is responsible, Sharon Beauregard is doing that  
6 now.

7 MS. FUENTES: And she did it throughout  
8 the time that he was enrolled?

9 Who was doing that at the time that he was  
10 enrolled in school?

11 THE WITNESS: Different ones, Linda  
12 Donnell or --

13 MS. FUENTES: So that would have been  
14 office people's job that took --

15 THE WITNESS: Yes, yes.

16 MS. FUENTES: -- the card and put it into  
17 the computer system?

18 THE WITNESS: Uh-huh, put into the  
19 computer, yes.

20 MS. FUENTES: That's it.

21 HEARING OFFICER JONES: Go right ahead.

22 MS. REYNOLDS: Yes, Ms. Barker, I wanted  
23 to know if you were doing -- I guess, teaching  
24 at your home, is your house zoned for that  
25 or --

CTAC, JULY 15, 2013

1 THE WITNESS: No.

2 MS. REYNOLDS: Do you have license to do  
3 that, you know, like have you been --

4 THE WITNESS: I've just always had it  
5 there since I built the house, I just built  
6 that all in there.

7 MS. REYNOLDS: Okay.

8 MS. FORD: And I have one -- one question.

9 HEARING OFFICER JONES: Go right ahead.

10 MS. FORD: Ms. Barker, on Document No. 12  
11 in the packet.

12 THE WITNESS: Yes, ma'am.

13 MS. FORD: It's actually a copy of your  
14 registration contract.

15 THE WITNESS: Uh-huh. Student permit.

16 MS. FORD: Is this -- this is correct,  
17 this is your document for your school?

18 THE WITNESS: Uh-huh.

19 MS. FORD: So, down in the middle of the  
20 page where it says the enrollment time is  
21 defined as time elapsed between the actual  
22 start -- the actual starting date and the date  
23 of the student's last day of physical  
24 attendance in the school, that is your own  
25 definition?



CTAC, JULY 15, 2013

1 THE WITNESS: Yes, ma'am.

2 MS. FORD: Is that correct?

3 THE WITNESS: Yes, ma'am.

4 MS. FORD: So, with your contract, and  
5 this being your definition, I'm not  
6 understanding how it would be acceptable to  
7 school anyone outside of your own contract  
8 definition.

9 THE WITNESS: Well, now --

10 MS. FORD: Could you explain that to me?

11 THE WITNESS: -- he was in -- before he  
12 had to stop, I thought he stopped, I thought  
13 that it was over, I -- when I went home sick, I  
14 thought that he was dropped and everything  
15 else.

16 MS. FORD: Uh-huh.

17 THE WITNESS: When I went home because I  
18 was too ill and he had to take my place --

19 MS. FORD: Right.

20 THE WITNESS: -- in the office because I  
21 couldn't.

22 MS. FORD: But you stated here that you  
23 were schooling him after hours and at home.

24 THE WITNESS: But I've done that with  
25 several students. Like I would stay up there

CTAC, JULY 15, 2013

1 in the evening with students, even just to help  
2 them along, you know, they wouldn't get credit  
3 for it but I would help them along in maybe  
4 sectioning or haircutting or whatever after --  
5 after hours.

6 MS. FORD: Right.

7 THE WITNESS: I've done that for years,  
8 but that didn't give them hours because they  
9 clock out at 4:30 and go home, but if they  
10 are -- but if they are there, I help them.

11 HEARING OFFICER JONES: Okay. Further  
12 questions from board members?

13 THE WITNESS: And I'm sure all instructors  
14 do, they help their students after work and  
15 whenever. They don't get hours for it but they  
16 are helped, whatever you can do for them to  
17 teach them.

18 HEARING OFFICER JONES: Okay. Go right  
19 ahead.

20 MR. BARNES: Just one question, who filled  
21 out the enrollment for Craig when he enrolled  
22 in school, the request for permit?

23 THE WITNESS: Did I fill it out?

24 MR. BARNES: Did you enroll Craig in  
25 school when he started school?

CTAC, JULY 15, 2013

1 THE WITNESS: I'm sure the -- I'm sure the  
2 office enrolled him. We're looking for it to  
3 see whose signature is on it.

4 MR. HOGAN: That same document has your  
5 signature -- or has a signature on it, it's  
6 Page 12.

7 THE WITNESS: Page 12.

8 MR. HOGAN: Also there is one on Page 13.

9 THE WITNESS: That's not -- no, that's not  
10 my signature. No.

11 MS. REAGAN: No?

12 THE WITNESS: No.

13 MR. HOGAN: I think he's asking, is that  
14 your signature?

15 THE WITNESS: (Shaking head from side to  
16 side.)

17 MR. HOGAN: You're saying, no, that's not  
18 your signature?

19 THE WITNESS: No, sir, it's not.

20 MR. HOGAN: So none of these documents on  
21 Page 12, 13, or Page 75 are your signature and  
22 you didn't know anything about it?

23 THE WITNESS: I -- I've been out for a  
24 year, maybe walking for one day a week,  
25 whatever, because I've been too nauseated to be

CTAC, JULY 15, 2013

1 at work.

2 HEARING OFFICER JONES: Go right ahead.

3 MS. REYNOLDS: Ms. Barker --

4 THE WITNESS: Yes.

5 MS. REYNOLDS: -- did you ask any of your  
6 instructors to sign these documents?

7 THE WITNESS: I don't think it's  
8 instructors, I think it's the office. I don't  
9 think it's instructors that signed these  
10 documents.

11 MS. REYNOLDS: So, I'm --

12 THE WITNESS: These -- no.

13 MS. REYNOLDS: I'm looking here, the  
14 majority -- some of these signatures are not  
15 the same --

16 THE WITNESS: Right.

17 MS. REYNOLDS: So do you --

18 THE WITNESS: Right.

19 MS. REYNOLDS: So do you know who signed  
20 these? I mean, you said earlier nobody said  
21 that they signed them, so somebody had to have  
22 signed them?

23 THE WITNESS: I know that they did, but I  
24 know that I never told anyone to give anybody  
25 any hours or put anybody on a -- on a book or

CTAC, JULY 15, 2013

1 anything else.

2 MS. REYNOLDS: Does your son know anything  
3 about this?

4 THE WITNESS: Not that I know of.

5 MS. REYNOLDS: Okay. The whole year that  
6 you were absent --

7 THE WITNESS: I would go in and maybe go  
8 in the back, you know, to the back -- the back  
9 lounge and try to do some work back in there,  
10 maybe once a week or twice a week.

11 MS. REYNOLDS: Okay. Now, within that  
12 year, you say you were sick?

13 THE WITNESS: Very ill, yes.

14 MS. REYNOLDS: Okay. When you did come  
15 in, did you check any of these documents? Did  
16 you check to see if all the criterias were  
17 correct?

18 THE WITNESS: Well, I -- yes, I did. I  
19 tried to look over things that they would bring  
20 me but, you know, back in the office, but I --  
21 I couldn't help them except to look over  
22 things.

23 MS. REYNOLDS: But once you found out that  
24 these documents were falsified, did you try to  
25 investigate with your -- the office managers?

CTAC, JULY 15, 2013

1           THE WITNESS: I have been since they have  
2           been into the school, I've been doing a lot of  
3           investigating since they have been into the  
4           school.

5           MS. REYNOLDS: And no one said anything?

6           THE WITNESS: No. No one said anything,  
7           and that -- and like I said, I didn't know that  
8           he was -- when Chasity come to my office and  
9           told me that she was not going to put him on  
10          the book, I said, "No, don't put him on the  
11          book, I don't want him on the book."

12          MS. REYNOLDS: Okay. Once the inspector  
13          came in and he told you what was going on --

14          THE WITNESS: This was before --

15          MS. REYNOLDS: Okay.

16          THE WITNESS: -- he came in, but this  
17          was --

18          MS. REYNOLDS: So after he documented  
19          everything --

20          THE WITNESS: Yes, he did.

21          MS. REYNOLDS: -- did you try to  
22          investigate after that?

23          THE WITNESS: Yes, I have been  
24          investigating ever since.

25          MS. REYNOLDS: And no one said anything?

CTAC, JULY 15, 2013

1 THE WITNESS: (Shaking head from side to  
2 side.)

3 No, I've been investigating trying --  
4 because I -- this can't happen again.

5 HEARING OFFICER JONES: Okay. Further  
6 questions from board members?

7 MS. FORD: I just have one question.

8 MS. DAVIS: I do.

9 HEARING OFFICER JONES: One at a time.

10 MS. FORD: Go ahead.

11 MS. DAVIS: Okay. Go ahead because I have  
12 to think of mine again.

13 MS. FORD: I just have one question. If I  
14 could recall -- if I could call you to look at  
15 Document No. 11, 12, and 13, could you tell me  
16 if those are actually your signatures on all  
17 three of these?

18 THE WITNESS: Eleven? No, it's not.

19 MS. REAGAN: It's not?

20 MR. HOGAN: Twelve is upside down, or at  
21 least that part of it you have to turn the  
22 page.

23 THE WITNESS: There is my signature. It's  
24 not my --

25 MS. REAGAN: I said that's the closest one

CTAC, JULY 15, 2013

1 to it.

2 THE WITNESS: Huh-uh, they are not my  
3 signature.

4 MS. REAGAN: It isn't?

5 THE WITNESS: None of them.

6 MR. HOGAN: We're getting a sign-in sheet  
7 today, let's just look at your signature right  
8 quick for members of the board. Did you sign  
9 in on today's sheet?

10 THE WITNESS: Yes, I did. Sure did.

11 MS. FORD: And none of those are your  
12 signatures, Mrs. Barker?

13 THE WITNESS: No.

14 MS. FORD: Eleven, 12, nor 13?

15 THE WITNESS: No.

16 MS. FORD: Okay.

17 THE WITNESS: There is my signature.

18 HEARING OFFICER JONES: Did you think of  
19 your question?

20 MS. DAVIS: Yes. Ms. Barker?

21 THE WITNESS: Yes.

22 MS. DAVIS: You said that you have been  
23 out for a year?

24 THE WITNESS: Well, in and out.

25 MS. DAVIS: Like from last ---



CTAC, JULY 15, 2013

1 THE WITNESS: You know, because I --

2 MS. DAVIS: -- from like last July until  
3 now you've just been --

4 THE WITNESS: Yes, because I've been so  
5 nauseated with chemo that I just --

6 MS. DAVIS: So he started -- your son  
7 started in school --

8 THE WITNESS: In November.

9 MS. DAVIS: Well, his start date shows  
10 January the 8<sup>th</sup> of 2013.

11 THE WITNESS: Okay.

12 MS. DAVIS: So if you have been out for a  
13 year, and you were only able to be there two  
14 days a week, you said?

15 THE WITNESS: Maybe two, maybe one.

16 MS. DAVIS: But earlier you stated that he  
17 should get some hours for the first part of his  
18 schooling that you taught him?

19 THE WITNESS: (Nodding head up and down.)

20 MS. DAVIS: Where are you trying to decide  
21 that it's okay for him to have some and not  
22 okay for him to have some?

23 THE WITNESS: Well, because when he had to  
24 come into the -- when he had to come into the  
25 office -- when he had to come into the office

CTAC, JULY 15, 2013

1 and start working in the office is when.

2 MS. DAVIS: Well -- but you've been out  
3 for a year?

4 THE WITNESS: Right.

5 MS. DAVIS: So --

6 THE WITNESS: But I -- I could still take  
7 stuff, he could bring stuff home to me and work  
8 on.

9 MS. DAVIS: Okay.

10 THE WITNESS: See, before then, but then I  
11 got to where I couldn't.

12 MS. DAVIS: Okay. Thank you.

13 HEARING OFFICER JONES: Okay. Further  
14 questions from the board members?

15 Mr. Hogan, you said that you had another  
16 question.

17 MR. HOGAN: Just one follow-up.

18 BY MR. HOGAN:

19 Q Page 28, I want to make sure I understand this.

20 Ms. Barker, you -- this document states that your son  
21 should be on probation from February 22<sup>nd</sup> to March 22<sup>nd</sup>  
22 of this year. "At the end of the probation period your  
23 progress will be re-evaluated. Failure to achieve our  
24 school satisfactory academic progress standards of  
25 67 percent attendance and 70 percent cumulative grade

CTAC, JULY 15, 2013

1 will result in suspension or termination." I believe, as  
2 I understand your testimony today, that he wasn't going  
3 to school, you didn't -- he wasn't being instructed at  
4 this time. Do you have any reason --

5 A What month is this?

6 MS. REAGAN: February.

7 BY MR. HOGAN:

8 Q -- as to why he was not suspended or --

9 A If this was in January, he was still going to school  
10 at that time.

11 HEARING OFFICER JONES: No, hey, wait a  
12 minute, you can't talk -- wait a minute. I  
13 can't have y'all having side conversations  
14 here.

15 THE WITNESS: Oh, I'm sorry.

16 MR. HOGAN: This is --

17 HEARING OFFICER JONES: Mr. Hogan is  
18 trying to ask a question.

19 BY MR. HOGAN:

20 Q This is for the period between February and March  
21 22<sup>nd</sup> of this year, and it says that he would be  
22 reevaluated, and if he failed to achieve his school  
23 satisfactory academic progress, 67 percent attendance,  
24 70 percent cumulative grade, that it will result in  
25 suspension and termination. Based on your testimony

CTAC, JULY 15, 2013

1 today, I'm wondering why your school did not suspend or  
2 terminate his --

3 A That's what I'm wondering because I'm seeing the  
4 same thing.

5 MS. REAGAN: May I speak?

6 HEARING OFFICER JONES: Not right now, no,  
7 ma'am.

8 MR. HOGAN: I'm going to give you a  
9 chance, but I'm going to call you as soon as  
10 she finishes.

11 BY MR. HOGAN:

12 Q So do you have any explanation for that? Do you  
13 have any explanation for that, why he was not suspended  
14 or --

15 A That's what I'm -- that's what I'm wondering why --  
16 that's what I've been looking -- looking for his  
17 attendance on here is what I'm -- here's 107.20.

18 Q I thought you said, you testified earlier that you  
19 knew he wasn't attending?

20 A This is --

21 Q You knew he was working --

22 A -- February, he started in January.

23 Q Yes. From February to March, almost the end of  
24 March, he was on the probationary period?

25 A (Nodding head up and down.)

CTAC, JULY 15, 2013

1 Q And we know from the records that he, apparently,  
2 did not take his first exam, according to the records, at  
3 least, until they were into Chapter 16, whatever that --  
4 is that customary for your school not to take exams until  
5 after Chapter 16?

6 A No. They take exams every week.

7 Q Do they take exams after every chapter?

8 A Uh-huh.

9 HEARING OFFICER JONES: Be sure to give  
10 verbal answers for our court reporter.

11 THE WITNESS: Yes.

12 BY MR. HOGAN:

13 Q There is no reflection of any exams being taken for  
14 the first 15 chapters, according to the records your  
15 school has filed. Do you have any explanation for why  
16 that is?

17 A Depends on where we're at.

18 Q I'm sorry?

19 A Depends on where we're at in the book. Everybody  
20 starts at a different place in the book.

21 Q So, given that fact, then you're saying that the  
22 reason there are no test results in Chapter 1 through 15  
23 is that --

24 A Because of my --

25 Q So he had not taken those yet?

CTAC, JULY 15, 2013

1 A Well, based on -- when someone comes into the class,  
2 they start where the class is.

3 Q And you know that he started in December, his first  
4 class I guess would have been --

5 A January.

6 Q Well, he was enrolled in December, his first class  
7 would have been --

8 A Well, like, we may be -- but someone may start when  
9 they are on Chapter 22 or someone may come in and they be  
10 on Chapter 26, it's where ever the chapter is, they come  
11 in as -- where ever the chapter is when they start their  
12 first day of theory.

13 Q So do you suspect that this document about his  
14 academic progress is incorrect, that it was filed  
15 inappropriately? That he, in fact, was attending all  
16 along and that this document should not have been filed  
17 on Page 28?

18 A Well, it looks like the -- there is no grade there.

19 HEARING OFFICER JONES: Further questions,  
20 Mr. Hogan?

21 MR. HOGAN: I have nothing further.

22 I'll call Ms. Reagan.

23 HEARING OFFICER JONES: Wait, let me ask  
24 the board.

25 MR. HOGAN: Oh, I'm sorry.

CTAC, JULY 15, 2013

1 HEARING OFFICER JONES: Just a minute.

2 Board members, do you all have any more  
3 questions at this time for Ms. Barker?

4 MS. FORD: No, ma'am.

5 HEARING OFFICER JONES: Very well. Okay.

6 Mr. Hogan, you may proceed.

7 WHEREUPON,

8 TINA REAGAN,

9 having been called for examination, and having been first  
10 duly sworn by the Hearing Officer, was examined and  
11 testified, as follows:

12 DIRECT EXAMINATION

13 BY MR. HOGAN:

14 Q Ms. Reagan, state your name and what your position  
15 with the Searcy Beauty College is.

16 A Tina Reagan, an instructor.

17 Q You're an instructor with the school?

18 A Yes.

19 Q And how long have you been an instructor there?

20 A I started back to work on November 28, 2012.

21 Q You heard Mr. Roberts' testimony about his  
22 discussion with you and his interview with you?

23 A Yes.

24 Q Do you find that to be substantially correct? Was  
25 it an accurate reflection of what you told him?

CTAC, JULY 15, 2013

1 A Yes. What he and I talked about that day.

2 Q He stated that you told him that Mr. Osborne was not  
3 attending classes and that you were one of the three  
4 instructors that told him that you were told to change  
5 attendance records and take tests for Mr. Osborne?

6 A No, sir.

7 Q Is that not what you told him?

8 A No, sir.

9 I said I had been taking some tests, not for Craig,  
10 but I have now started teaching theory again, but I --  
11 all along I had -- personally was taking the tests for  
12 myself to see what I did well in. Because I had a great  
13 theory instructor and the students laughed because I made  
14 a 62 on the chemical chapter, but I thought that was  
15 good, it had been over 20 years since I had actually  
16 picked the book up and learned out of it. And you can  
17 very well see that is -- if that was the case, then that  
18 would not be -- that would be what would be in Craig's  
19 folder, if that's what I had done. That was not the  
20 case. I actually have -- even now that I'm teaching  
21 theory, when I do the test, because if I cannot remember  
22 it, my students will not.

23 Q So then you -- you went -- when asked the question  
24 about whether or not to verify the complaint that he was  
25 being credited for attendance where he wasn't there and



CTAC, JULY 15, 2013

1 for being credited with exams that he didn't take, your  
2 testimony was -- or just then, as I understand it, is  
3 that you told Mr. Roberts that you took the test on your  
4 own, but it had nothing to do with Mr. Osborne?

5 A It had nothing to do --

6 Q Why would you have told Mr. Roberts about your own  
7 process about taking --

8 A Because he did asked about that --

9 Q -- exams as opposed to that being unrelated to  
10 Mr. Osborne?

11 A Because that's the -- how I was questioned, the same  
12 way I was questioned about my personal complaint on the  
13 school, and --

14 Q So it's your testimony that, as far as you're  
15 concerned, Mr. Osborne was attending class daily and that  
16 he was taking his own exams?

17 A No, sir. But he did take any -- if there are exams  
18 in there, as far as I knew, he took them. I was not the  
19 theory teacher.

20 Q So all of these written exams, multiple choice  
21 exams, are those -- those are all theory exams. Right?

22 A Yes.

23 Q You weren't teaching that course?

24 A No, sir. I was not teaching the theory.

25 Q So you can't really testify one way or the other

CTAC, JULY 15, 2013

1 whether or not these are actually exams that he took?

2 A No, sir.

3 Q Did you hear from other instructors that they were  
4 taking -- instructed or told to take exams for  
5 Mr. Osborne?

6 A (Shaking head from side to side.)

7 Chasity Coleman said that she was taking some, and I  
8 told her that was up to her. But she asked me why -- one  
9 day she said, why are you taking the exam, because I  
10 would ask for one, and I said, because I want to see what  
11 I remember. She had actually taught the class, and I  
12 scored higher than she did on the test, and she was like,  
13 how is that? I said, because I had a good theory  
14 instructor. This is why I want to know that I know what  
15 I am teaching.

16 Q In looking through the exams, some of them are  
17 dated, some of them aren't. But it appears that Page 68  
18 is, I guess, March 15<sup>th</sup> of this year, and then on  
19 Page 72, my guess is that that's April 24<sup>th</sup>. Do you --  
20 can you confirm that those were the dates that exams were  
21 given to Mr. Osborne?

22 A No, sir. Not without looking, you know, having the  
23 whole theory book. There was the instructor that was  
24 there before Chasity, Melinda would forget to write down  
25 when they took make up tests, to write those tests down.

CTAC, JULY 15, 2013

1 A lot of times there was not the test written down when  
2 they should have been on that date. I have tried to go  
3 back and fix that so that any time the inspectors come in  
4 they can look at that, what test is missing.

5 Q A well proportioned facial shape considered the  
6 ideal is oblong, diamond, round or oval? What's the  
7 answer?

8 A Mine? Would be --

9 Q They say oval is the answer, I can't believe that.  
10 I mean, I would have gone with round.

11 But I -- I found that to be completely subjective.

12 HEARING OFFICER JONES: Do you have any  
13 important, good questions?

14 MR. HOGAN: That's not a question but  
15 that -- that -- I think a round face can look  
16 great.

17 THE WITNESS: It can, with the correct  
18 haircut and make up.

19 MR. HOGAN: Good answer.

20 BY MR. HOGAN:

21 Q Ms. Reagan, were you familiar as -- you were an  
22 instructor, so you were teaching the practical part?

23 A Yes, sir.

24 Q Was Mr. Osborne in any of your classes?

25 A No, sir.

CTAC, JULY 15, 2013

1 Q So were you there from January through the end of  
2 May when he was supposedly attending classes?

3 A Yes, sir. He was in with Melinda Lay, which would  
4 have been in the pre-clinic.

5 Q He -- so you did see him there working in the --

6 A Yes, he would come --

7 Q -- in the clinic?

8 A Yes, during that part. Not in the clinic, in the  
9 pre-clinic, which is the back classroom.

10 Q So you observed him there doing things with --

11 A With Melinda.

12 Q -- respect to the school that would entitle him to  
13 credit hours?

14 A Just -- yes, sir, but it would only have been  
15 through January and part of February.

16 Q So after you --

17 A And I actually started -- when I started work, it  
18 was only for about two days a week, two to three days a  
19 week, it was part-time. And so I did not see him all the  
20 time, but I was not present either.

21 Q So, has your job changed?

22 A Yes, sir.

23 Q How? How has it changed?

24 A I now work full-time.

25 Q In what --

CTAC, JULY 15, 2013

1 A I am now teaching the pre-clinic and also teaching  
2 theory.

3 Q How -- how long have you -- does that mean more  
4 money, I assume, and more --

5 A More hours.

6 Q More hours, higher salary? When did you start that  
7 new position?

8 A Three weeks ago? I mean, I started -- when Melinda  
9 quit was --

10 MS. BARKER: The end of February or  
11 beginning of March full-time.

12 THE WITNESS: -- at the end of February I  
13 went to full-time. And then --

14 BY MR. HOGAN:

15 Q Was that before or after that Ms. Barker received  
16 this Notice of Hearing?

17 A Well before.

18 Q Okay. Was it on or after the May 25<sup>th</sup> date that  
19 the first initial email was sent complaining about the  
20 class attendance?

21 A Two weeks later is when I started theory classes,  
22 but I --

23 MR. HOGAN: Okay. I'll pass the witness.

24 HEARING OFFICER JONES: Ms. Barker, do you  
25 have any questions you want to ask Ms. Reagan?

CTAC, JULY 15, 2013

1

## CROSS EXAMINATION

2

BY MS. BARKER:

3

Q After Chasity -- you -- Sharon started teaching

4

theory?

5

A Huh-uh. Huh-uh. Is what she's asking is when I

6

started teaching theory class. Melinda Lay was the

7

instructor before Chasity Coleman, she had taught theory,

8

I went in for two days, and the students had asked for

9

Sharon, because they -- she had been there longer and I

10

had not been teaching for about 16 years. And that was

11

fine. When Chasity Coleman started work she begged and

12

pleaded, for two weeks, to please let her teach theory.

13

Q She was only there three months.

14

A And so she started teaching the theory. And then

15

when she was dismissed from the school, I picked up

16

teaching theory because Sharon is our vocational

17

instructor and high school will be starting in about five

18

weeks.

19

HEARING OFFICER JONES: Ms. Barker, do you

20

have further questions for Ms. Reagan?

21

MS. BARKER: No.

22

HEARING OFFICER JONES: Okay. Board

23

members, questions for Ms. Reagan?

24

MS. DAVIS: I just would like to clarify

25

that your testimony is that you did not send

CTAC, JULY 15, 2013

1           this email to the state board --

2           THE WITNESS: No, ma'am, I did not. And I  
3           actually have a copy where I filed a police  
4           report and I will pursue this. Because I did  
5           not write this. Had I had a problem with the  
6           school, I would have discussed it with  
7           Clifteen, and I would have quit. It doesn't  
8           mean I would not said, these are what you have  
9           to -- procedures, you're going to have to  
10          correct any problems, if not, then you -- you  
11          know, we're not going to have an option but  
12          involve state board, but I would never do  
13          anything, and that -- that is a question I had,  
14          too. I have two license through the state, my  
15          cosmetology and my instructor. I know how to  
16          spell my name. And I'm sure that there is a  
17          way y'all could look my license and I know how  
18          to spell my name.

19          MS. DAVIS: Okay. Thank you.

20          HEARING OFFICER JONES: Okay. Further  
21          questions from the board members for  
22          Ms. Reagan?

23          MR. HOGAN: I just have one additional  
24          document, Page 78, a picture of the -- or a  
25          copy of the sign-in sheet, we would ask for

CTAC, JULY 15, 2013

1 Exhibit 1 in our administrator's file.

2 HEARING OFFICER JONES: Very well, that  
3 will be added to the end of the compilation  
4 packet as Page 78.

5 MR. HOGAN: And we rest.

6 HEARING OFFICER JONES: Okay. Ms. Barker,  
7 you have an opportunity again to tell the board  
8 anything else that you want them to know and  
9 answer any more questions they may have or if  
10 you want to call Ms. Reagan as a witness, if  
11 there is anything else you want her to tell the  
12 board before they make their decision.

13 MS. BARKER: Well, there have -- there  
14 were so many lies in those letters that this  
15 lady wrote, it's just one after another, just  
16 like about not being able to pay students when  
17 there is thousands of dollars in the bank, you  
18 know, and that can be checked. Everything was  
19 just lies, just -- she just started calling my  
20 son to meet her to try to -- try to see him, so  
21 it was just a jealousy -- a big jealousy thing  
22 that started all this.

23 HEARING OFFICER JONES: Board members, do  
24 y'all have any other questions you want to ask  
25 Ms. Barker?



CTAC, JULY 15, 2013

1 Mr. Hogan, anything else from you?

2 MR. HOGAN: Nothing further.

3 HEARING OFFICER JONES: Okay. Ms. Barker,  
4 is -- do you want to call Ms. Reagan as a  
5 witness or are you -- are you done?

6 MS. BARKER: She -- call her as a witness?  
7 Yes.

8 HEARING OFFICER JONES: Well, you have to  
9 ask her questions to call her as a witness.

10 MS. REAGAN: Are there any other questions  
11 you have for me?

12 MS. BARKER: I wish I could think of them.

13 No. I guess not.

14 HEARING OFFICER JONES: Okay. Mr. Hogan,  
15 anything in closing?

16 MR. HOGAN: I have nothing further.

17 HEARING OFFICER JONES: Ms. Barker,  
18 anything you want -- anything else in a closing  
19 you want to tell the board before they  
20 deliberate on their decision on what to do?

21 MS. BARKER: Well, like I said, I've been  
22 in the business 40 years and I respect this  
23 business tremendously. And I would not do  
24 these things that I've been accused of doing.  
25 I just would not. I respect the -- the

CTAC, JULY 15, 2013

1 profession too much and everyone in it.

2 HEARING OFFICER JONES: Okay. Thank you  
3 very much.

4 At this time we're going to close the  
5 record, the board will recess for  
6 deliberations. Once the board reaches a  
7 decision, we will go back on the record.

8 (WHEREUPON, the Committee retired to  
9 deliberate, off the record, from 10:18 a.m. to  
10 10:24 a.m., and returned with the following  
11 motion.)

12 MS. FORD: At this time we would like to  
13 go back on record, please.

14 HEARING OFFICER JONES: Okay. Very well.  
15 We're back on the record.

16 MS. FORD: I would like to call for a  
17 motion.

18 MS. DAVIS: Let me find his name. I make  
19 a motion that we revoke the hours for Craig  
20 Osborne. Is that his name?

21 MS. FORD: Yes, that is.

22 MS. DAVIS: And that his permit be --

23 MS. FORD: Rescinded?

24 MS. DAVIS: -- rescinded, and there is  
25 nothing there. He didn't get any hours, he

CTAC, JULY 15, 2013

1           doesn't -- it's just null and void.

2           MS. REYNOLDS: I second that one.

3           MR. BARNES: Before we take a vote, can we  
4 take, is our -- what options do we have  
5 available on this?

6           MS. FORD: Well, there is a fine attached  
7 to the school.

8           HEARING OFFICER JONES: Yeah, wait a  
9 minute, if y'all are going to deliberate, we  
10 need to go back off the record. These are  
11 things that should have been discussed during  
12 deliberations.

13           We'll close the record for their  
14 deliberations and then we'll go back with a  
15 motion when you all are ready.

16           (WHEREUPON, the Committee retired to  
17 deliberate, off the record, from 10:25 a.m. to  
18 10:29 a.m., and returned with the following  
19 motion.)

20           HEARING OFFICER JONES: At this time we'll  
21 go back on the record. And we do have a motion  
22 currently that was made and seconded, and which  
23 was for the revocation of the hours and permit  
24 that was given to Craig Osborne.

25           And all those in favor of that motion,

CTAC, JULY 15, 2013

1           please say, "Aye."

2           COMMITTEE MEMBERS:   Aye.

3           HEARING OFFICER JONES:   All those opposed,  
4           same sign.

5           Very well.   Let the record reflect that  
6           the decision of the board was unanimous.  
7           Please reduce that decision to writing and make  
8           or attempt service upon all parties.   Please  
9           also notify Mr. Osborne of that decision.

10          Okay.   The next issue, is there another  
11          motion?

12          MS. DAVIS:   I make a motion that we fine  
13          Searcy Beauty College \$1,000 for the whole --  
14          don't know how to phrase it, but fine them.

15          MS. FUENTES:   Situation.

16          MS. DAVIS:   For the situation, yes.

17          HEARING OFFICER JONES:   Is there a second?

18          MR. BARNES:   I second.

19          HEARING OFFICER JONES:   Motion and a  
20          second to fine Searcy Beauty College a thousand  
21          dollars for all matters related to the  
22          situation.   All those in favor, please say,  
23          "Aye."

24          COMMITTEE MEMBERS:   Aye.

25          HEARING OFFICER JONES:   All those opposed,

CTAC, JULY 15, 2013

1 same sign.

2 Very well, let the record reflect that the  
3 decision is unanimous. Please reduce that  
4 decision to writing and make or attempt service  
5 upon the parties.

6 Any other questions or comments relating  
7 to this hearing?

8 If you have any questions, you can talk to  
9 Ms. Kersey afterwards. And we're going to  
10 close the record. Thank you very much.

11 (WHEREUPON, at 10:31 a.m. the  
12 above-entitled proceedings were concluded.)

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CTAC, JULY 15, 2013

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## ADMINISTRATIVE HEARING

ARKANSAS DEPARTMENT OF HEALTH PETITIONER

v.

JESSICA BUCKS RESPONDENT

HEARING OFFICER JONES: Jessica Bucks?

MR. HOGAN: Members of the committee,  
Ms. Bucks has informed us that she will not be  
able to be here today, she sent an email asking  
for a continuance of this matter.

It's -- it's up to you as to whether you  
wish to proceed. The proper notice was given,  
of course, and we're ready to proceed today, if  
you choose to do so, but she has -- and you  
should know that she's asked for this matter to  
be continued until another date. She does  
contest the allegations in the Order and Notice  
of Hearing, but it's your -- your decision.

MS. FUENTES: Are we discussing the  
decision?

MR. HOGAN: Yes. It's a motion that would  
be proper on the table, it's her request to  
table this to a date certain or a motion not to  
table it and proceed with the hearing.

MS. FORD: Can we go off the record and  
discuss this?

CTAC, JULY 15, 2013

1 MR. HOGAN: Yes.

2 HEARING OFFICER JONES: Yes. That will be  
3 fine, to deliberate on a decision. Yes.

4 MS. FORD: Okay.

5 (WHEREUPON, the Committee retired to  
6 deliberate, off the record, from 10:31 a.m. to  
7 10:35 a.m., and returned with the following  
8 motion.)

9 HEARING OFFICER JONES: Okay. We'll go  
10 back on the record.

11 MS. FORD: At this time I would like to  
12 call for a motion in the Bucks' case.

13 MR. BARNES: I make a motion we table it.

14 MS. DAVIS: I second.

15 MS. FORD: The motion has been seconded,  
16 at this time we'll call for a vote.

17 All in favor of tabling the Bucks' case,  
18 "Aye."

19 MS. DAVIS: Aye.

20 MS. REYNOLDS: Aye.

21 MR. BARNES: Aye.

22 MS. FORD: All opposed?

23 MS. FUENTES: Aye.

24 MS. FORD: We have three for and one for  
25 against at this time.

CTAC, JULY 15, 2013

1                   HEARING OFFICER JONES: Please reduce the  
2                   board's decision on the continuance to writing  
3                   and let Ms. Bucks know that her hearing will be  
4                   on the September agenda and she needs to be  
5                   present.

6                   We'll close the record.

7                   (WHEREUPON, at 10:37 a.m., the  
8                   above-entitled proceedings were concluded.)

9                   ---o---



CTAC, JULY 15, 2013

## 1 CERTIFICATE

2  
3 STATE OF ARKANSAS )4 COUNTY OF PULASKI )  
5

6 I, SUSAN B. WHITSON, Certified Court Reporter  
7 and notary public in and for Pulaski County, State of  
8 Arkansas, do hereby certify that the meeting of the  
9 Arkansas Department of Health, Cosmetology Technical  
10 Advisory Committee, held July 15, 2013, was taken by me  
11 in Stenotype and was reduced to computer-generated  
12 typewritten form by me or under my direction and  
13 supervision; that the witnesses were duly sworn by the  
14 Hearing Officer; and that the same is a true and correct  
15 reflection of the proceedings that occurred, to the best  
16 of my knowledge and ability.

17 I FURTHER CERTIFY that I am neither counsel  
18 for, related to, nor employed by any of the parties to  
19 the action in which these proceedings were taken; and,  
20 further that I am not a relative or employee of any  
21 attorney or counsel employed by the parties hereto, nor  
22 financially interested, or otherwise, in the outcome of  
23 this action; and that I have no contract with the  
24 parties, attorneys, or persons with an interest in the  
25 action that affects or has a substantial tendency to

SUSAN B. WHITSON, CCR, INC. (501) 455-1170  
WhitsonCCR@aol.com

CTAC, JULY 15, 2013

1 affect impartiality, that requires me to relinquish  
2 control of an original transcript or copies of the  
3 transcript before it is certified and delivered to the  
4 custodial attorney, or that requires me to provide any  
5 service not made available to all parties to the action.

6 SIGNED AND SWORN this \_\_\_\_\_ day of

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13 SUSAN B. WHITSON, CCR, #158  
14 NOTARY COMMISSION #12388076  
15 NOTARY PUBLIC IN AND FOR  
16 PULASKI COUNTY, ARKANSAS  
17

18 My Commission Expires: June 4, 2022.  
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